

Town of Mansfield
Special Town Meeting
October 26, 2009
Council Chambers

Mayor Elizabeth Paterson called the Special Town Meeting to order at 6:00 p.m. in the Council Chambers of the Audrey P. Beck Building and called for the election of a Moderator.

Christopher Paulhus moved to nominate Carol Pellegrine as Moderator. The nomination was seconded and the motion to approve the nomination passed unanimously.

Ms. Pellegrine asked for a motion to waive the reading of the notice of the meeting. The motion was made, seconded and passed by all present. Mrs. Pellegrine described the process of the evening's meeting and explained that there will not be a vote taken on the resolutions.

Ms. Pellegrine indicated that since the Town Council has removed the resolution to be presented under items 1 and 2 of the Notice to referendum vote, the Town Meeting would be adjourned to referendum voter after the introduction and discussion of the resolutions.

Ms. Pellegrine indicated that copies of the full text of the resolutions were available to all present and recognized Elizabeth Paterson who moved the following resolution:

I move that the reading of the resolution to be presented to this Special Town Meeting under items 1 and 2 of the Notice be waived and that the full text of the resolutions, as made available to those in attendance at this meeting, be incorporated into the minutes of the meeting.

The motion was seconded and passed.

RESOLUTION APPROPRIATING \$105,250 FOR CONSTRUCTION OF THE HUNTING LODGE ROAD BIKEWAY/WALKWAY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate ONE HUNDRED FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$105,250) for costs related to the construction of the Hunting Lodge Road Bikeway/Walkway. The project is contemplated to be completed substantially in accordance with the plans entitled "Hunting Lodge Road Pedestrian/Bikeway" prepared by the Town of Mansfield Department of Public Works dated revised October, 2008. The appropriation may be spent for construction and inspection of construction costs, materials, construction management costs, permits, legal fees, net temporary interest and other financing

costs, and other expenses related to the project. The Town Council is authorized to determine the scope and particulars of the project and may reduce or modify the scope of the project; and the entire appropriation may be spent on the project as so reduced or modified.

(b) That the Town issue its bonds or notes, in an amount not to exceed ONE HUNDRED FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$105,250) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed ONE HUNDRED FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$105,250). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary notes. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this

resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

(g) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

RESOLUTION APPROPRIATING \$263,130 FOR CONSTRUCTION OF A SALT STORAGE SHED TO BE LOCATED AT THE MANSFIELD PUBLIC WORKS DEPARTMENT COMPLEX AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate TWO HUNDRED SIXTY-THREE THOUSAND ONE HUNDRED THIRTY DOLLARS (\$263,130) for costs related to the construction of a salt storage shed to be located at the Mansfield Public Works Department complex, 230 Clover Mill Road in Mansfield. The project is contemplated to be for a salt storage area capable of storing approximately 2,000 tons of deicing materials and sand/aggregate mixtures. The appropriation may be spent for design, construction of concrete floors, walls, electrical, lighting, doors and other appurtenances as well as site work consisting of demolition, excavation, grading, forming, paving, drainage, retaining walls, knee walls, foundations, footings and sealing as well as inspection of construction costs, materials testing, construction management costs, permits, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Town Council is authorized to determine the scope and particulars of the project and may reduce or modify the scope of the project; and the entire appropriation may be spent on the project as so reduced or modified.

(b) That the Town issue its bonds or notes, in an amount not to exceed TWO HUNDRED SIXTY-THREE THOUSAND ONE HUNDRED THIRTY DOLLARS (\$263,130) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed TWO HUNDRED SIXTY-THREE THOUSAND ONE HUNDRED THIRTY DOLLARS (\$263,130). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary notes. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

(g) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

Ms. Pellegrine requested a motion to consider the resolution under item 1 of the Notice. Made and seconded, Ms. Pellegrine recognized Director of Public Works Lon Hultgren to present an overview of the project.

Tom Morrison, Farmstead Road, asked if the resolution does not pass at the referendum how will the Town pay for the project? Cherie Trahan, Director of Finance, responded that although in these economic times it would not be the best way to proceed the Town would finance the bikeway through the Capital Nonrecurring Fund.

Mr. Nesbitt asked what the threshold for passage of these resolutions would be? Ms. Pellegrine stated that based on an opinion from the Town's Attorney the threshold for these two resolutions would be a simple majority.

Hearing no other questions, Ms. Pellegrine requested a motion to consider the resolution under item 2 of the Notice. Made and seconded, Ms. Pellegrine recognized Director of Public Works Lon Hultgren to present an overview of the project.

Mr. Pellegrine, Clover Mill Road, expressed concern regarding the storage of chemicals near the streams and open space in that area of Town. Mr. Hultgren explained that with the new salt shed a roof would be covering the entire inventory.

Ms. Buck, Sumner Drive, asked if there would be sufficient impermeable surface with the proposed salt shed. Mr. Hultgren responded that the sight would be redesigned for the new shed but currently is paved and tipped to a catch basin.

Hearing no additional questions the Chair announced that the referendum would take place on November 3rd in all three polling districts: District 1 Mansfield Community Center, District 2 Mansfield Fire Department Station 107 and District 3 Buchanan Auditorium at the Mansfield Library. The polling hours will be from 6 a.m. to 8 p.m.

A motion to adjourn the Town Meeting was made, seconded and passed by all at 6:30 p.m.

Mary Stanton, Town Clerk

Without objection the meeting was adjourned at 9:00 p.m.

Mary Stanton
Town Clerk